MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2018/2019

ULT 2622 – LAW OF TORTS II

(All sections / Groups)

5 MARCH 2019
Reading Time: 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 4 questions only.

3. Attempt ALL questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are not allowed to bring in any statute into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

ANSWER ALL QUESTIONS.

QUESTION 1

The rule of Rylands v Fletcher created a new subset to the tort of private nuisance. Discuss the differences and similarities of the principles governing the two torts.

(Total: 25 marks)

QUESTION 2A

"The tort of breach of statutory duty could have a useful means of holding public authorities accountable for their conduct, but the courts have so restricted its scope that it now serves no useful function at all." Discuss.

(Total: 25 marks)

~~~~OR~~~~

QUESTION 2B

Critically examine the concept of 'assumption of responsibility' as the basis of liability for incorrect statements.

(Total: 25 marks)

QUESTION 3

Remy is employed by Rio Sdn. Bhd. as a full time lorry driver to deliver goods. His working hours is from 9am to 5pm daily. While he was out to deliver goods, he decided to pick up his son from school. Unfortunately, while he was reversing his car, he hit Amanda's car which caused severe damage to her bumper.

Meanwhile, Finn is a labour worker at Rio Sdn Bhd. His salary is based on an hourly basis and he is free to work anytime during the week as long as he gets his job done. While he was carrying a bag of flour from the warehouse to another department, the bag of flour dropped onto Lena's feet, a frequent site visitor in Rio Sdn Bhd. Lena upon seeing her swollen feet got angry and scolded Finn for being careless. Samseng, Finn's best friend who was employed by Rio Sdn Bhd to work at customer service quickly rushed to Finn's defence and threw offensive words at Lena.

Advise Rio Sdn Bhd on their liabilities if any.

(Total: 25 marks)

Continued...

QUESTION 4A

a) Analyse whether the defence of property is justified in situations where trespassers may suffer grave bodily injury.

(10 marks)

b) Examine in what situation would the defence of necessity might occur. Support your answer with relevant authorities.

(10 marks)

c) Differentiate between the defence of *volenti non fit injuria* and consent.

(5 marks)

(Total: 25 marks)

~~~~OR~~~~

QUESTION 4B

Lee, Dan and Jo were on their way to the airport, when a lorry from an opposite direction skidded and hit their car. All three of them died instantly. Jo, aged 50 years old left a spouse and three children behind. His annual income after tax is valued at RM300,000. The money he spends on his necessities such as food and entertainment was roughly around RM10,000.

Lee on the other hand, was 26 years old, and unmarried. He lived with his parents. His annual income after tax is RM40,000. At the time of the accident, he was on a no-pay-leave for two months as he was planning to go on a holiday to Australia.

Dan, aged 25 was also unmarried and lived with his mother and two younger sisters aged 23 and 22. His annual income after tax is valued at RM30,000. His necessities were calculated at RM10,000. Ever since he had been working, he would go on a holiday which he spends about RM5,000 annually for his travelling expenses.

The funeral expenses incurred for each of them is RM10,000.

With relevant authorities, calculate the compensation that the deceased family may claim, if any.

(Total: 25 marks)

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